



TOWN OF
NEW LONDON, NEW HAMPSHIRE

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ZONING BOARD OF ADJUSTMENT
MEETING MINUTES

September 3, 2015
6:30 PM

PRESENT: Douglas W. Lyon (Vice-Chair), W. Michael Todd, Vahan Sarkisian, Paul Vance, Frank Anzalone (Alternate), Katherine Fischer (Alternate) and Jerry Coogan (Alternate).

MEMBERS ABSENT: Ann Bedard, Cheryl Devoe and Courtland Cross.

STAFF: Lucy St. John, Planning and Zoning Administrator.

CALL TO ORDER: Vice-Chair Lyon called the meeting to order at 6:30pm.

ROLL CALL: Acting Chair Lyon called the roll. He said the meeting had been properly noticed.

Election of Officers

Acting Chair Lyon called for nominations and asked all members if they were interested in serving as either Chair or Vice Chair. The Board also discussed that a clerk position was not necessary.

- IT WAS MOVED (Michael Todd) AND SECONDED (Frank Anzalone) to nominate Douglas W. Lyon as Chair. THE MOTION WAS APPROVED UNANIMOUSLY.
- IT WAS MOVED (Douglas W. Lyon) AND SECONDED (Frank Anzalone) to nominate W. Michael Todd as Vice-Chair of the Zoning Board of Adjustment. THE MOTION WAS APPROVED UNANIMOUSLY.

Skype Discussion

The board revisited the discussion of using Skype and other conference technology as a means for residents to be a part of the ZBA meetings. The Board reviewed and discussed several proposed conditions presented by Paul Vance, should the Board want to allow Skype or other technology as a means of participating in a meeting. The suggested conditions included:

1. The applicant has a representative present who will be responsible for presenting the request and providing all information,
2. The applicant be the only one able to be present by electronic means,

3. The applicant be responsible for the provision and the functioning of the electronic means,
4. The electronic means allow each board member present to hear and address the applicant (no requirement for video – this would be at the risk of the applicant if she/he wanted to attempt it) and
5. The applicant waives any objection should she/he not be able to hear or address the board for any reason.

Other comments discussed included:

- What if a ZBA case goes to court?
- How do you know the person is really the person calling in?
- What if abutters and others want to also participate this way, how many is too many at one meeting?
- What if someone wants to or can only participate in part of the discussion?
- What if there is a problem with the technology, connecting, getting disconnected, reconnecting or other issues, some people may use this as a mechanism to delay or request postponing the meeting or the Board taking action.

The Board agreed that there were too many “what if” scenarios and decided to table the discussion until another time.

Establishing a meeting schedule discussion

Chair Lyon summarized commented that this subject has been discussed numerous times by the ZBA. He explained that staff supports establishing a set schedule for several reason including most towns have a set schedule, reduces administrative time scheduling meetings and applicants would know a specific date when materials would be due. Reasons for not establishing a set meeting schedule include: if an applicant misses the deadline for having all the materials needed for the meeting by one day, the applicant will have to wait five weeks or more, before being able to go before the board; the ZBA doesn't have that many applications each year; and the current process affords the public more flexibility.

Chair Lyon asked if the voting members were comfortable to make a decision that evening. The board was split, therefore, they will take the matter under advisement and discuss the issue at another meeting.

Rules of Procedure- updating process

Chair Lyon explained that staff had provided the model Office of Energy and Planning (OEP) Rules of Procedure as a guide for the discussion and examples from other towns. He suggested that the Board use the OEP version as a draft template and discuss possible changes for consideration. Michael Todd explained that he had prepared some edits based on a 2010 draft he had prepared. Michael Todd then proceeded to review his draft version. After some discussion, it was agreed that Michael Todd would provide his draft version to staff and staff would

incorporate his proposed changes into the draft OEP version and then bring the revised draft back to the ZBA for further discussion. The Board particularly liked the RSA referenced and footnotes in Michael Todd's version. Other information to be included in the draft are provisions for conducting site visits, the ZBA applications, ex parte and email communications and what constitutes a completed application.

Joint Meeting with Planning Board

The Board discussed having a joint meeting with the Planning Board to discuss survey requirements and ZBA/Planning Board processes. Some members of the ZBA believe a referral is need from the Planning Board, and or a denial from the Board of Selectmen for an applicant to come before the ZBA. Staff said a referral is not required or needed. Chair Lyon suggested getting an opinion from the Town Attorney.

Municipal Law Lecture Series 2015

Board members interested in attending should submit the registration form, and let Ms. St. John know.

Planning and Zoning Administrator Update

Ms. St. John explained that the Planning Board is reviewing tree cutting provisions, Shoreland provisions, accessory dwelling units, signs and site plan amendments.

Motion to Adjourn

- ✓ IT WAS MOVED to adjourn the meeting. The meeting adjourned at 8:50 pm.

Respectfully submitted,

Dianne Richtmyer, Recording Secretary
Town of New London